

REMARKS

This application has been reviewed in light of the Office Action dated March 29, 2007. Claims 1-44 are pending in the application. Claims 5, 9, 12, 14, 21, 24 and 26-44 have been withdrawn pursuant to a restriction requirement. The Applicant reserves the right to pursue these claims by a separate divisional application(s). By the present amendment, claims 1-3, 7, 8, 10, 11, 13, 15-17, 19, 20, 22, 23, and 25 have been amended. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

The Applicant acknowledges that the restriction requirement has been made final, but disagrees with the Examiner's position. The Applicant further acknowledges that the dependent claims will be reconsidered upon allowance of a generic claim.

By the Office Action, claims 1-4 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,401,624 to Nijenhuis et al. (hereinafter Nijenhuis).

Nijenhuis is directed to a loading and unloading mechanism configured to raise or lower a level of a train wagon in accordance with loading and unloading operations. The adjustment of the train wagon is to compensate for the suspension system or the train wagon, and the difficulties caused thereby during the loading and unloading operations. The configuration of Nijenhuis discloses hydraulic pistons configured to lift the train wagon for unloading the train wagon. The system of Nijenhuis further comprises supports (11) on the permanent platform to hold the train wagon level during loading. The level of the train wagon is not maintained by the wagon itself. Therefore the wagon is not self-supporting to maintain its level with the

permanent platform. Further, the train wagon is not constructed for nor contemplated for pedestrian traffic. In fact, the moving of large freight containers unto and off of a train wagon is not a place where pedestrians should be due to the many dangers that would be involved with the mechanisms for moving and positioning these large and heavy containers.

Nijenhuis fails to teach or suggest at least: a portable platform configured to bridge a thoroughfare to permit pedestrian traffic to cross over the thoroughfare to and from a permanent platform, the portable platform having an uppermost surface maintained at a same level relative to the permanent platform, and a safety fence coupled to the uppermost surface of the portable platform and arranged transversely to a direction of the length of the thoroughfare for pedestrian safety.

Claim 1 now recites, *inter alia*, a portable platform structure including a portable platform configured to bridge a thoroughfare to permit pedestrian traffic to cross over the thoroughfare to and from a permanent platform, the portable platform having an uppermost surface maintained at a same level relative to the permanent platform, a safety fence coupled to the uppermost surface of the portable platform and arranged transversely to a direction of the length of the thoroughfare for pedestrian safety ...

Nijenhuis does not contemplate pedestrian traffic and fails to disclose or suggest a portable platform configured to bridge a thoroughfare to permit pedestrian traffic to cross over the thoroughfare to and from a permanent platform, the portable platform having an uppermost surface maintained at a same level relative to the permanent platform. Nijenhuis also fails to disclose or suggest a safety fence coupled to the uppermost surface of the portable platform and arranged transversely to a direction of the length of the thoroughfare for pedestrian safety.

It is therefore respectfully submitted that Nijenhuis fails to disclose or suggest all of the claimed elements of claim 1. Claims 1-4 are believed to be in condition for allowance for at least the reasons stated.

By the Office Action, Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis in view of U.S. Patent No. 701,469 to Coath (hereinafter Coath); Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis in view of U.S. Patent No. 4,224,880 to Hogue (hereinafter Hogue); Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis in view of U.S. Patent No. 1,980,329 to Farmer (hereinafter Farmer); Claims 7 and 10-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis in view of U.S. Patent No. 2,190,708 to Fowler (hereinafter Fowler).

It is respectfully submitted that the combination of Nijenhuis in view of any and all of Coath, Hogue, Farmer, and Fowler fails to cure the deficiencies as set forth above. The cited combinations of references do not cure the deficiencies of Nijenhuis with respect to claim 1. Claims 7, 8, 10-11 and 13 are believed to be in condition for allowance due at least to their dependency from claim 1. Reconsideration of the rejection is earnestly solicited.

By the Office Action, claims 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis in view of Coath.

Coath teaches a braking system but fails to disclose or suggest at least: a portable over-way platform structure for a railway system including a portable platform configured to bridge a first track to permit pedestrian traffic to cross over the first track to and from a permanent platform, the portable platform having an uppermost surface maintained at a same level relative to the permanent

platform, the portable platform being self-supporting and independent from the permanent platform for maintaining the same level, a safety fence coupled to the uppermost surface of the portable platform and arranged transversely to a direction of the length of the first track for pedestrian safety, and ... a positioning system coupled between the trolley and the portable platform to provide vertical and horizontal adjustment of the portable platform relative to the wheel system to maintain the same level ..., as recited in claim 15.

The cited combination of Nijenhuis and/or Coath fails to teach or suggest all of the elements of claim 15. For example, Nijenhuis fails to disclose or suggest a portable platform configured to bridge a first track to permit pedestrian traffic to cross over the first track to and from a permanent platform, the portable platform having an uppermost surface maintained at a same level relative to the permanent platform. Nijenhuis and/or Coath further fail to disclose or suggest that the portable platform is self-supporting and independent from the permanent platform for maintaining the same level as described with respect to claim 15 (see also the arguments with respect to claim 1).

Further, the cited combination fails to disclose or suggest a safety fence coupled to the uppermost surface of the portable platform and arranged transversely to a direction of the length of the first track for pedestrian safety;

In addition, neither reference taken alone or in combination teaches a positioning system coupled between the trolley and the portable platform to provide vertical and horizontal adjustment of the portable platform relative to the wheel system to maintain the same level. The Examiner contends that the pivot of Nijenhuis provides horizontal adjustment. The Applicant disagrees for the following reasons. The pivot in Nijenhuis is to continue a slight an incline of the permanent

platform for loading purposes. However, Nijenhuis (and/or Coath) fails to disclose or suggest vertical and horizontal adjustment of the portable platform relative to the wheel system to maintain the same level. Claim 15 has been amended for clarification of this difference. Both horizontal and vertical adjustments of the portable platform are provided in claim 15 to maintain a same level relative to the permanent platform. The pivot of Nijenhuis does not permit a same level to be maintained.

It is therefore respectfully submitted that the combination of Nijenhuis and/or Coath fails to disclose or suggest the present invention as claimed. Claims 15-18 are believed to be in condition for allowance for at least the reasons stated.

By the Office Action, Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis in view of Hogue; Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis in view of Farmer; Claims 19 and 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis in view of Fowler.


It is respectfully submitted that the combination of Nijenhuis in view of any or all of Hogue, Farmer, and Fowler fails to cure the deficiencies as set forth above. The cited combinations of references do not cure the deficiencies of Nijenhuis with respect to claim 15. Claims 19-20, 22-23 and 25 are believed to be in condition for allowance due at least to their dependency from claim 15. Reconsideration of the rejection is earnestly solicited.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,

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